IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 26TH JULY 2006 / 4TH SRAVANA 1928

Bail Appl..No. 4277 of 2006

CMP.4568/2006 of J.M.F.C.-I,NEYYATINKARA
(CRIME NO. 30/2006 OF NEYYATTINKARA EXCISE RANGE)

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PETITIONER/ACCUSED

ASOKAN @ ATTU,
S/O.NALLATHAMPI, RESIDING AT NMC XVI/456TH NUMBER,
KADAVAMKODE COLONY, PERUMBAZHUTHOOR DESOM,
PERUMBAZHUTHOOR VILLAGE,
NEYYATTINKARA TALUK.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.R.V.SREEJITH

RESPONDENTS: COUNTER PETITIONER

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4277/2006

DATED THIS THE 26TH DAY OF JULY, 2006

O R D E R

The petitioner is accused in C.R.No.30/2006 of Excise Range, Neyyattinkara. The offence alleged against him is under Section 8(1) & 8(2) of the Abkari Act. He was found in illegal possession of five liters of illicit arrack and his arrest was recorded on 20.6.2006, as he was in judicial custody in connected with another matter. Hence this application for bail.

2. When the application came up for consideration, the learned Public Prosecutor submitted that he is accused in C.R.No.34/2006 of the same Excise Range, violating the provisions of the Abkari Act. In such circumstances, I am not inclined to grant bail, because of the operation of Section 41A of the Abkari Act.

The application is dismissed as above.

J.M.JAMES
JUDGE

mrcs